

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SALVADOR DIAZ, on his own behalf : CIVIL ACTION NO.
and all others similarly situated, : 1:07-cv-11065 (JFK)

Plaintiff,

v.

DIVERSIFIED COLLECTION SERVICES, INC. :
Defendant. : JANUARY 29, 2008

ANSWER

The defendant, Diversified Collection Services, Inc. ("Defendant"), by and through the undersigned counsel, for its Answer to the Complaint, herein denies every averment therein except as expressly set forth below:

1. Admits that Plaintiff purports to bring this action on his own behalf and of others similarly situated under the FDCPA, denies liability thereunder and denies that class treatment is appropriate, and otherwise denies the allegations of this Paragraph 1.
2. Admits.
3. Defendant has insufficient information and knowledge to form a belief as to the truth of the allegations of this Paragraph 3 and therefore denies the same and puts Plaintiff to his strictest burden of proof thereof.

4. Defendant has insufficient information and knowledge to form a belief as to the truth of the allegations of this Paragraph 4 and therefore denies the same and puts Plaintiff to his strictest burden of proof thereof.

5. Admits.

6. Admits that Plaintiff purports to bring this action as a class action, denies that class treatment is appropriate, and otherwise denies the allegations of this Paragraph 6.

7. Defendant denies the allegations set forth in Paragraph 7 of Plaintiff's Complaint.

8. Defendant denies the allegations set forth in Paragraph 8 of Plaintiff's Complaint.

9. Defendant denies the allegations set forth in Paragraph 9 of Plaintiff's Complaint.

10. Defendant denies the allegations set forth in Paragraph 10 of Plaintiff's Complaint.

11. Defendant has insufficient information and knowledge to form a belief as to the truth of the allegations of this Paragraph 11 and therefore denies the same and puts Plaintiff to his strictest burden of proof thereof.

12. Defendant denies the allegations set forth in Paragraph 12 of Plaintiff's Complaint.

13. Defendant denies the allegations set forth in Paragraph 13 of Plaintiff's Complaint.

14. Defendant denies the allegations set forth in Paragraph 14 of Plaintiff's Complaint.

15. Admits the first sentence of this Paragraph 15, admits that a copy of the letter is annexed to the Complaint as Exhibit A, denies the allegations as to the content of the letter which speaks for itself, and otherwise has insufficient information and knowledge to form a belief as to the truth of the remaining allegations of this Paragraph 15 and therefore denies the same and puts Plaintiff to his strictest burden of proof thereof.

16. Admits that validity of the debt was disputed, denies the content of the letter (Exhibit B) as stated, and refers to the letter for the content thereof.

17. Admits that Defendant sent another letter dated November 27, 2007 to Plaintiff's counsel containing documentation verifying the underlying debt, and otherwise denies the allegations of this Paragraph 17.

18. The answers to Paragraphs 1-17 are hereby restated and realleged as the answers to this Paragraph 18 as though fully set forth herein.

19. Defendant denies the allegations set forth in Paragraph 19 of Plaintiff's Complaint.

20. Defendant denies the allegations set forth in Paragraph 20 of Plaintiff's Complaint.

First Affirmative Defense

The Complaint fails to state a claim upon which relief may be granted.

Second Affirmative Defense

Any violation of the Fair Debt Collection Practices Act by Defendant, which Defendant denies, was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.

Third Affirmative Defense

The Plaintiff's claims fail to the extent they are based upon communications with the Plaintiff's counsel.

WHEREFORE, Defendant Diversified Collection Services, Inc. prays for an order and judgment of this Court in its favor against Plaintiff as follows:

1. Dismissing all causes of action against Defendant Diversified Collection Services, Inc. with prejudice and on the merits; and,
2. Awarding Defendant Diversified Collection Services, Inc. such other and further relief as the Court deems just and equitable.

Dated: Bridgeport, Connecticut
January 29, 2008

Defendant
Diversified Collection Services, Inc.

By: _____ /s/
Jonathan D. Elliot (je3654)

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Its Attorneys

CERTIFICATION OF SERVICE

I hereby certify that on **January 29, 2008**, a copy of the foregoing **Answer** was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's CM/ECF System.

Defendant
Diversified Collection Services, Inc.

By: _____/s/
Jonathan D. Elliot (JE3654)

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